

**NOTICE OF REGULAR MEETING  
MISSION CITY COUNCIL  
MARCH 25, 2019 5:30 P.M.  
MISSION CITY HALL**

**PRESENT:**

Dr. Armando O'caña, Mayor  
Jessica Ortega-Ochoa, Councilwoman  
Ruben D. Plata, Councilman  
Norie Gonzalez Garza, Mayor Pro Tem  
Gus Martinez, Councilman  
Bob Galligan, Interim City Attorney  
Anna Carrillo, City Secretary  
Randy Perez, City Manager

**ALSO PRESENT:**

Norma Sanchez  
John Moreno  
Pastors Eliud & Cathy Garcia  
Cinthia De Hoyos  
Thelma Tamez  
Joe Louis Sanchez  
Ricardo Saldana  
Miguel Delgado  
Jaimie Trevino, Progress Times  
Dave Hendricks

**ABSENT:**

**STAFF PRESENT:**

Nelia Hernandez, Asst. City Secretary  
Paula Banda, Admin. Assistant  
Aida Lerma, Deputy City Manager  
Elizabeth Hernandez, Executive Secretary  
Angie Vela, Finance Director  
Jaime Acevedo, Planning Director  
Virgil Gonzalez, Asst. Planning Director  
Noemi Munguia, HR Director  
Robert Hinojosa, Risk Manager  
Eduardo Belmarez, Purchasing Director  
Roland Rodriguez, I. T. Director  
Roxanne Casarez, Public Information Director  
Humberto Garcia, Media Relations  
Charlie Longoria, Media Relations  
Juan Pablo Terrazas, City Engineer  
Roberto Salinas, Public Works Director  
Jesse Lerma, Civil Service Director  
Gilbert Sanchez, Fire Chief  
Rene Alvarez, Asst. Fire Chief  
Frank Cavazos, Deputy Fire Chief  
James Cardoza, Emergency Mngmnt. Coord.  
Robert Dominguez, Chief of Police  
Joanne Longoria, CDBG Director  
Mario Flores, Golf Course Director  
Juan Arevalo, Boys & Girls Club Director  
Brad Bentsen, Parks & Recreation Director  
Belinda Garza, Library Manager  
Cynthia Lopez, Museum Director  
Cesar Gutierrez, Sanitation Director  
JC Avila, Fleet Maintenance Director  
Noel Barrera, Health Dept. Director  
Adela Ortega, Food Pantry Manager  
Joel Chapa, Police Officer  
Daniel Silva, CEO, EDC

**1. Call to order**

With a quorum being present, Mayor Dr. Armando O'caña called the meeting to order at 5:31 p.m.

## 2. Invocation and Pledge Allegiance

Pastors Cathy and Eluid Garcia gave the invocation and leading in the pledge of allegiance were Kaylee Garza and Luke Franco Salazar representing the Juvenile Diabetes Association of Mission.

## 3. Report from the Greater Mission Chamber of Commerce

Brenda Enriquez President and CEO reported on past and upcoming events for the chamber to include the Golf Tournament all proceeds would be used for MCISD Back to School Bash. Buenas Tardes Luncheon was scheduled for April 11 with guest speaker County Judge Richard Cortez. The Go Mission app was up and running.

## 4. Departmental Reports

Councilman Ruben Plata moved to approve the departmental reports as presented. Motion was seconded by Councilman Gus Martinez and approved unanimously 5-0.

## 5. Citizens Participation

Raymond Longoria, 1217 E. Griffin Parkway asked for an executive summary of all items to be added to the agenda.

### 1.0 Public Hearing

#### 1.1 Planning & Zoning Recommendations

None

### 2.0 Consent Agenda

*(All consent agenda items are considered routine by City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately. The City Council May Take Various Actions; Including But Not Limited To Rescheduling An Item In Its Entirety For A Future Date Or Time. The City Council May Elect To Go Into Executive Session On Any Item Whether Or Not Such Item Is Posted As An Executive Session Item At Any Time During The Meeting When Authorized By The Provisions Of The Open Meetings Act)*

#### 2.1 Approval of Minutes

**City Council Meeting – March 11, 2019**

**Special Meeting – March 20, 2019 and March 21, 2019**

#### 2.2 Acknowledge Receipt of Minutes

**Mission Rail Bridge Action Committee – February 14, 2019**

**Citizens Advisory Committee – February 19, 2019**

**Ambulance Board – November 2, 2018**

**Civil Service Commission – January 11, 2019**

**Boys & Girls Club – March 5, 2019**

#### 2.3 Approval of Resolution No. 1593 authorizing the Mission Police Department to submit an Agreement for the Temporary Closure of State Right-of-Way to the Texas Department of Transportation for the 2019 Juan Diego Academy Spring Festival 5k Run

The Mission Police Department was requesting approval of a resolution to submit an agreement for the Temporary Closure of State Right-of-Way to the Texas Department of Transportation for the 2019 Juan Diego Academy Spring Festival 5k walk/run. The agreement was required by the Texas Department of Transportation for the closure of the northbound lane of travel from 5208 S. FM 494 to the eastbound lane of FM 1016 to FM 396 and returning back to the Juan Diego Academy Catholic Regional High School. The Mission Police Department would be responsible for securing the route to insure the safety of both motorist and pedestrians.

**RESOLUTION NO. 1593**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, AUTHORIZING THE SUBMITTAL TO THE TEXAS DEPARTMENT OF TRANSPORTATION BY THE MISSION POLICE DEPARTMENT OF AN AGREEMENT FOR THE TEMPORARY CLOSURE OF STATE RIGHT OF WAY OF THE NORTHBOUND LANE OF TRAVEL (RIGHT LANE) OF FM 494 FROM 5208 SOUTH FM 494 TO FM 1016, THE EASTBOUND LANE OF TRAVEL (RIGHT LANE) OF FM 1016 TO FM 396, THEN TURNING WEST ON FM 1016 AND ENDING AT THE JUAN DIEGO ACADEMY CATHOLIC REGIONAL HIGH SCHOOL; AUTHORIZING THE ISSUANCE OF A PUBLIC PERMIT THEREFORE;

**2.4 Approval of Ordinance # 4779 granting a wet designation for 608 N. Shary Rd., Ste. 14, Alba Plaza La Cerverceria BWL, LLC DBA La Cerverceria Beer, Wine & Liquor**

Staff was requesting the above mentioned property be wet zoned for the Sale and Off-Premise Consumption of Alcoholic Beverages.

**ORDINANCE NO. 4779**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS AMENDING ORDINANCE NO.780 DESIGNATING PLACES WHERE BEER AND OTHER ALCOHOLIC BEVERAGES MAY BE SOLD WITHIN THE CORPORATE LIMITS OF THE CITY OF MISSION TO INCLUDE THE PREMISES LOCATED AT 608 N. SHARY RD. STE. 14, ALBA PLAZA, LA CERVECERIA BWL LLC DBA LA CERVECERIA BEER, WINE & LIQUOR

**2.5 Approval of Ordinance # 4780 granting a wet designation for 4213 Maria St., Alex Cavazos Subdv, Lots 10 & 11 La Playa Drive Thru**

Staff was requesting the above mentioned property be wet zoned for the Sale and Off-Premise Consumption of Alcoholic Beverages.

**ORDINANCE NO. 4780**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS AMENDING ORDINANCE NO.780 DESIGNATING PLACES WHERE BEER AND OTHER ALCOHOLIC BEVERAGES MAY BE SOLD WITHIN THE CORPORATE LIMITS OF THE CITY OF MISSION TO INCLUDE THE PREMISES LOCATED AT 4213 MARIA ST., ALEX CAVAZOS SUBD. LOTS 10 & 11, LA PLAYA DRIVE THRU

Councilman Martinez moved to approve the consent agenda items 2.1-2.5. Motion was seconded by Councilwoman Jessica Ortega Ochoa and approved unanimously 5-0.

**3.0 Approvals and Authorizations**

**3.1 Authorize the City of Mission to enter into a Memorandum of Understanding with CLEAResult, Inc. to extend the Participation of the 2019 AEP Texas CORE/CitySmart Program**

AEP Texas developed programs to reduce the amount of annual electricity load growth through energy-efficiency programs; thus AEP Texas created the SCORE/CitySmart Program, which was designed to help participating municipalities identify energy-efficiency opportunities in existing and new building and provide monetary incentives to implement these opportunities. The Program was funded by AEP Texas and there was no cost to the City, the City has been participating in the program since 2007. AEP Texas has contracted CLEAResult Consulting for this service. Staff was seeking to authorize the City Manager to execute the documents to enter into the MOU for the participation in the 2019 AEP Texas SCORE/CitySmart Program.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize the City of Mission to enter into a Memorandum of Understanding with CLEAResult, Inc. to extend the Participation of the 2019 AEP Texas CORE/CitySmart Program. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

### **3.2 Reclassify Utility Accounts for the 4<sup>th</sup> Quarter of 2016**

A summary of the utility account receivable to be reclassified for the amount of \$21,213.00 was provided for council's review. These amounts were for the three month period of October 2016 through December 2016.

Staff and City Manager recommended approval.

Councilman Plata moved to approve to Reclassify Utility Accounts for the 4<sup>th</sup> Quarter of 2016. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

### **3.3 Board Appointments: Drainage Committee, 2050 Committee, Planning & Zoning Commission, and Mission Economic Development Authority**

Mayor O'caña was recommending the following appointments:

Drainage Committee: Appoint Ned Sheats and Brenda Wilson terms to expire December 31, 2019, Ricardo Saldana term to expire December 31, 2020. Mayor Armando O'caña and Mayor Pro Tem Norie Gonzalez Garza would serve in their respective positions.

2050 Committee: Appoint Toni Chapa term to expire December 31, 2020 to the vacant position.

Planning and Zoning Commission appoint Ruben Arcaute to replace Ned Sheats term to expire December 31, 2019

Mission Economic Development Authority: appoint Ruben Sanchez to replace Ruben Arcaute term to expire December 31, 2020.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve Drainage Committee, 2050 Committee, Planning & Zoning Commission, and Mission Economic Development Authority, as recommended by Mayor O'caña. Motion was seconded by Councilman Plata and approved unanimously 5-0.

### **3.4 Authorization to accept donation from AAA Electrical Signs**

AAA Electrical Signs had advised the City of their intent to donate 5' Metal "MISSION" Letters instead of scraping them. AAA Electrical Signs would deliver the letters at no cost to the city upon approval of donation. Value of letters was \$13,000.00.

Staff and City Manager recommended approval.

Councilman Martinez moved to authorize to accept donation from AAA Electrical Signs. Motion was seconded by Councilman Plata and approved unanimously 5-0.

### **3.5 Approval of Work Authorization No. 15 with Melden & Hunt for South Conway Lift Station Project**

Work Authorization No. 15 entailed professional services for plans and specifications for south Conway lift station and sanitary sewer improvements.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve the Work Authorization No. 15 with Melden & Hunt for South Conway Lift Station Project. Motion was seconded by Councilman Plata and approved unanimously 5-0.

### **3.6 Approval of Work Authorization No. 16 with Melden & Hunt for Bentsen Palm Development Improvements**

Work Authorization No. 16 entailed professional services for plans and specifications for Bentsen Palm Development sanitary sewer improvements.

Staff and City Manager recommended approval.

Councilman Martinez moved to approve the Work Authorization No. 16 with Melden & Hunt for Bentsen Palm Development Improvements. Motion was seconded by Councilman Plata and approved unanimously 5-0.

### **3.7 Request for City Council's Adoption of a Purchasing Policy for Mission Economic Development Corporation**

Staff was requesting Mission City Council's adoption of a Purchasing Policy for Mission Economic Development Corporation (MEDC). The Purchasing Policy outlined purchasing procedures for the MEDC and its staff. This document provided employees basic procedures for creating auditable records. The manual was created by following many of the City of Missions' processes very closely, but allowed the flexibility for the MEDC to function in the business manner that was intended by the state of Texas.

Mr. Silva was present at the meeting to answer any questions City Council members may have.

The Board of Directors of the MEDC adopted the Purchasing Policy at their March 19, 2019 Board meeting.

Staff and City Manager recommended approval.

Councilman Martinez moved to approve for City Council's Adoption of a Purchasing Policy for Mission Economic Development Corporation. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**3.8 Authorization to Execute Second & Final One Year Renewal Option for Sludge Management Services for Public Works Department**

On April 2017, the City of Mission entered into a contract Denali Water Solutions, LLC for Sludge Management Services for the Waste Water Treatment Plant, Pre-Treatment Plant, North Water Plant and South Water Plant. Services was needed for the transport and disposed of sludge in liquid and solid form. Staff was seeking authorization to extend contract for the Second & Final one year renewal option at 0% increase in price. Contract renewal would be from 4/3/2019 to 4/2/2020

Staff Recommendation: Authorization to extend contract for Second & Final One year renewal option to Denali Water Solutions, LLC.

City Manager recommended approval.

Councilman Plata moved to authorize to Execute Second & Final One Year Renewal Option for Sludge Management Services for Public Works Department to Denali Water Solutions, LLC. . Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

**3.9 Authorization to Solicit for bids for the rehabilitation of existing Clarifier at the Wastewater Treatment Plant**

Staff was seeking authorization to solicit for bids for the rehabilitation of existing clarifier at the wastewater treatment plant. Existing Clarifier Structure needed replacement of sludge rakes, center mixing well, and restoration existing walkway.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to solicit for bids for the rehabilitation of existing Clarifier at the Wastewater Treatment Plant. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

**3.10 Authorize the City of Mission to enter into an agreement with Mr. Apolonio Chapa for Planning and Utility Services**

Authorization was being requested for the City of Mission to enter into an agreement with Mr. Apolonio Chapa for plan review of new residential subdivisions, commercial development and provide utility location services to the City. Mr. Chapa had 40 years of experience in the utility field and was uniquely qualified to locate water, sanitary sewer, and drainage lines within the City of Mission.

Staff and City Manager recommended approval.

Councilwoman Ochoa moved to authorize the City of Mission to enter into an agreement with Mr. Apolonio Chapa for Planning and Utility Services, subject to City Manager negotiating the contract with Mr. Apolonio Chapa. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

**3.11 Authorization to Solicit for bids for the reconstruction of existing Lift Station No. 35 located at the SE corner of US 83 (I2) and Glasscock Rd.**

Staff was seeking authorization to solicit for bids for the reconstruction of Lift Station No. 35. Lift Station Reconstruction entailed the construction of a wet well, installation of new pumps with fittings, and electrical control panel.

Staff and City Manager recommended approval.

Councilwoman Ochoa moved to authorize to solicit for bids for the reconstruction of existing Lift Station No. 35 located at the SE corner of US 83 (I2) and Glasscock Rd. Motion was seconded by Councilman Martinez and approved unanimously 5-0.

**3.12 Variance request by T-Mobile Call Center to have parking lanes painted “Magenta” instead of the mandated white paint as indicated in the Mission Code of Ordinance Chapter 10 – Traffic & Vehicles, Sec. 110-468 at 3711 San Gabriel**

Staff received a request by T-Mobile Call Center to allow the parking lanes to be painted “Magenta” instead of the mandated white paint since this color represent T-Mobile. In the past, the City had allowed “yellow stripes” and blue for handicap areas. The whole effect was to guide cars safely in and out of lanes. Staff was seeking direction in regards to this request.

Staff and City Manager recommended approval.

Councilwoman Ochoa moved to approve the Variance request by T-Mobile Call Center to have parking lanes painted “Magenta” instead of the mandated white paint as indicated in the Mission Code of Ordinance Chapter 10 –Traffic & Vehicles, Sec. 110-468 at 3711 San Gabriel. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**3.13 Request by RODCO Steel to have City Council consider allowing a 672 sq. ft. digital sign at 808 E. Interstate Highway 2 (aka 808 E. IH 2)**

Staff received a request by RODCO Steel to allow a 672 sq. ft. digital sign at 808 E. IH 2 to accommodate for new building, currently the site has a 288 sq. ft. sign. Staff was seeking direction in regards to this request.

After deliberation from the council in reference to the square footage amount of the sign, council determined to take no action at this time.

**3.14 Authorization to Execute Second One-Year Renewal Option with BlueCross BlueShield of Texas**

In 2017, the City of Mission entered into a contractual agreement with BlueCross BlueShield of Texas for Third Party Administrator, PPO Network and Pharmacy Benefit Management (PBM). The terms for this contract were for one year with two one-year renewal options. There would be a 31.00% decrease in the administrative fee. Staff was seeking authorization to extend contract for second one-year renewal option with BCBSTX. This agreement would extend contract from October 1, 2019 through September 30, 2020.

Mayor Pro Tem Garza moved to authorize to Execute Second One-Year Renewal Option with BlueCross BlueShield of Texas. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**3.15 Tax Collections Report – February 2019**

Finance Director Angie Vela presented the Tax Collections Report – February 2019 for approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Tax Collections Report – February 2019 as presented. Motion was seconded by Councilman Martinez and approved unanimously 5-0.

**3.16 Acceptance of Quarterly Report of Investments for the Quarter ending December 31, 2018 and Interest Earned for Three Months ending December 31, 2018**

Finance Director Vela presented Quarterly Report of Investments for the Quarter ending December 31, 2018 and Interest Earned for Three Months ending December 31, 2018.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Quarterly Report of Investments for the Quarter ending December 31, 2018 and Interest Earned for Three Months ending December 31, 2018. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

**3.17 Budget Amendments: Utility Fund**

Finance Director Vela presented budget amendment BA-19-23 to the City Council for approval.

Staff and City Manager recommended approval.

Councilwoman Ochoa moved to approve the budget amendment BA-19-23. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

**3.18 Approval of Hardship Case for Housing Assistance Program Applicant at 413 N Canal Avenue**

On November 29, 2008 the Fire Department responded to a structure fire at the residence located at 413 N Canal. The applicant moved in with a family member and friends after the incident. In January 6, 2009 the Code Enforcement Department issued a letter requesting to clear the unsafe structure and debris. The applicant allowed city to demolish, pays off lien and continued to reside with friends until their passing. In February 2018, the applicant applied for housing assistance, went through the eligibility process but was unable to obtain the incident report due to the length of time that has passed. Upon receipt of the complete application and review process to include the determination of hardship through the Fire Department, CAC considered and recommended that the applicant be assisted as a hardship case on March 12, 2019. (4 – 2, 1 abstention).

Staff and City Manager recommended approval.

Councilman Martinez moved to approve the Hardship Case for Housing Assistance Program Applicant at 413 N Canal Avenue. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**3.19 Performance Services, Inc. Investment Grade Audit Proposal**

Staff received Investment Grade Audit from Performance Services, Inc., with a Guaranteed Energy Savings and Design-Build cost proposal outlining key scope items such as Water Meters with Advanced



Metering Infrastructure (AMI), LED Lighting, Optimize Original Sewer Plant, and Replacement of HVAC equipment approaching end of useful life.

Staff Recommendation: Seeking direction from council.

After deliberation council determined to take no action at this time and requested a workshop be scheduled.

#### **4.0 Unfinished Business**

None

#### **5.0 Routine Matters**

##### **5.1 City Manager's Comments**

City Manager stated that the Sanitation Department would begin the commercial pickup on Monday, April 1, 2019.

##### **5.2 Mayor's Comments**

Mayor O'caña thanked the Sanitation Department for the implementation of the bulky item pick up, the project was very well received by the citizens of Mission. Mayor and City Manager Randy Perez would be attending the Binational Bridges and Border Crossings meeting in Laredo to give a presentation on the Madero Bridge. Thanked Police Chief Roberto Dominguez and Fire Chief Gilbert Sanchez for their participation and escort with the unaccompanied veteran. Mayor O'caña advised the public of workshops scheduled for April 1, 2019 to discuss Future Land use Map, April 2, 2019 Preliminary Budget and April 4, 2019 Organizational Chart.

##### **5.3 City Council Comments**

Councilman Martinez stated that they would be attending the TML Meeting on April 27 in Tyler, Texas in support of Homer Salinas.

Mayor Pro Tem Garza requested for the City Council to pass a proclamation in support of Fire fighter Homer Salinas to present at the TML Meeting.

Councilwoman Ochoa stated that her purpose was to unite the City of Mission and her birthday wish was to do something kind for others.

Mayor O'caña asked council to go into Executive Session.

At 6:34 p.m., Mayor Pro Tem Garza moved to convene into executive session pursuant to V.T.C.A. Gov. Code Sec. 551.001. Motion was seconded by Councilman Plata and approved unanimously 5-0.

#### **6.0 Executive Session pursuant to V.T.C.A. Gov. Code Sec. 551.001**

##### **6.1 Deliberations about Real Property Sec. 551.072**

- A. Discussion, Consideration of Counter-offer and possible action on Taylor Rd. Parcel 21: Being a 2,363 square foot or 0.0542 of an acre tract of land situated in the City of McAllen, Hidalgo County, Texas, out of Lot 197, John H. Shary Subdivision, as recorded in Volume 1, Page 17, of the Map Records, Hidalgo County, Texas**

- B. Acquisition of drainage easement described as a tract of land containing 1.959 acres out of Lot 29-2, WAS as per map or plat recorded in Volume 1, Page 56, Hidalgo County Map Records**

**6.2 Consultation with Attorney Sec. 551.071**

- A. Discussion of compliance with Texas Water Code related to EDAP Project**
- B. Temporary Restraining Order and Order Setting Show Cause Hearing Snowball Express vs City of Mission Case # C-0774-18-C**
- C. Discussion and possible action regarding Topcon Inc. v City of Mission C3151-14-H in the 389<sup>th</sup> District Court of Hidalgo County, Texas**
- D. Consultation with attorney regarding legal issues in city organization**

**6.3 Personnel matters Sec. 551.074**

- A. In-house City Attorney**

**6.4 The City Council will reconvene in open session to take any actions necessary**

At 8:07 p.m., Councilman Plata moved to reconvene in open session. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

On item 6.1 A – Councilman Plata moved to authorize the City Manager up to \$10,000 in negotiation authority for the Counter-offer on Taylor Rd. Parcel 21. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

On item 6.1 B – Councilman Plata moved to authorize Mayor and City Manager to purchase drainage easement described as a tract of land containing 1.959 acres out of Lot 29-2, WAS within the parameters discussed in executive session. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

On item 6.2 A – No action was taken.

On item 6.2 B – No action was taken.

On item 6.2 C – Councilman Plata moved to authorize the Mayor and City Manager to negotiate a resolution regarding Topcon Inc. v City of Mission C3151-14-H in the 389<sup>th</sup> District Court of Hidalgo County, Texas within the parameters discussed in executive session. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

On item 6.2 D – No Action was taken.

Councilman Martinez stepped out of the meeting before item 6.3A was considered in executive session.

On item 6.3 A – No Action was taken.

**7.0 Adjournment**

At 8:13 p.m., Councilman Plata moved for adjournment. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

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Dr. Armando O'caña, Mayor

ATTEST:

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Anna Carrillo, City Secretary